REMARKS

This amendment is submitted in response to the Examiner's requirement for restriction and for election of species.

In response to the Requirement for restriction, Applicants provisionally elect to prosecute the claims of Group I. The election is made with a partial traverse.

Applicants note that the Examiner has required that if Applicants elect to prosecute the claims of Group II, that Applicants must elect to prosecute one of the specific utilities recited in claim 27. Applicants are responding to the election of species requirement by cancelling claim 27 and by amending claim 26 to recite the first specific utility recited in original claim 27. Thus amended claim 26 is the only method of treatment claim remaining in the case, and is the elected species claim within the scope of Group II.

Applicants note the telephone conversation held on 14 February 2008 between the Examiner and the undersigned in which the Examiner indicated that the election of species requirement related solely to claim 27 within Group II, and not to the claims of Group I, and Applicants have proceeded accordingly. Should the Examiner require the Applicants to take any further action in order to be responsive to the outstanding office action, she is asked to contact the undersigned.

Applicants ask that the Examiner examine amended claim 26 of Group II along with the claims of Group I. Applicants do not agree with the Examiner that restriction is proper between the

pharmaceutical composition claims and the method of treatment claim. The Examiner argues that it is well known in the art to use surfactants, such as polyoxyethyleneglyceryl trioleate as a surfactant in transdermal pharmaceutical compositions, citing paragraph [0068] of US Patent Application 2003/0180335A1.

However, Applicants emphasize that the present invention involves far more than selecting polyoxyethyleneglyceryl trioleate as a surfactant for the liquid gel in the transdermal pharmaceutical compositions. The invention includes polyoxyethyleneglyceryl trioleate as a surfactant, propylene glycol as a co-surfactant, isopropyl myristate as an oily component, and most importantly a salt of hyaluronic acid in an aqueous phase. The salt of hyaluronic acid is most important because hyaluronic acid is a component of skin and this ingredient improves the compatibility of the transdermal patch with the skin, to prevent irritation to the patient's skin. This aspect of the invention relates to all of the claims now presented, including method of treatment claim 26 as amended, and provides the common technical feature linking all of the claims, which under the PCT Practice provides a basis for the examination of amended claim 26 together with the composition claims of Group I.

Applicants await an action "on the merits."

Respectfully submitted,
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Enclosure:
None